

**Legislative Rule-Making Review Committee**  
**Minutes for Thursday, August 19, 2021**

**Senate Judiciary Committee Room**  
**12:00 p.m. to 8:00 p.m.**

**Senate**

Sypolt, Chair	Present
Jeffries	Present
Lindsay	Present
Roberts	Present
Rucker	Present
Weld	Present
Blair, Nonvoting	

**House**

Foster, G., Chair	Present
Fleischauer	Present
Graves	Present
Rowe	Present
Steele	Present
Worrell	Present
Hanshaw, Nonvoting	

The Legislative Rule-Making Review Committee met in the Senate Judiciary Committee Room at 12:00 p.m. on Thursday, August 19, 2021. The meeting was called to order by the Chair, Delegate Foster. A silent roll call was taken by the Clerk to establish a quorum, as reflected above. Staff present included: Carl Fletcher, Senate Counsel; Robert Akers, House Counsel; Debra Graham, Senate Counsel; Max Wilkinson, House Counsel; Adair Sankoff, Director of Legislative Rule-Making Review Committee; and Felisha Sutherland, Committee Clerk.

Adair Sankoff, Director of Legislative Rule-Making Review Committee, distributed the updated rules and procedures for agency filing of rules with the Legislative Rule-Making Review Committee. Senator Sypolt moved to adopt the updated rules and procedures. The motion was adopted.

1. Carl Fletcher, Senate Counsel, explained his abstract on the rule proposed by the **Department of Agriculture**, Enriched Flour and Bread, [61 CSR 07](#).

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

2. Carl Fletcher, Senate Counsel, reviewed his abstract on the rule proposed by the **Department of Agriculture**, Fruits and Vegetables Certification of Potatoes for Seedling Purposes, [61 CSR 08C](#).

On motion of Senator Sypolt, the rule was approved as filed.

3. Carl Fletcher, Senate Counsel, explained his abstract on the rule proposed by the **Division of Motor Vehicles**, Examination and Issuance of Drivers License, [91 CSR 04](#).

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

4. Carl Fletcher, Senate Counsel, reviewed his abstract on the rule proposed by the **Division of Motor Vehicles**, Collection of Tax on the Sale of a Vehicle, [91 CSR 09](#) and responded to questions from the Committee.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

5. Robert Akers, House Counsel, explained his abstract on the rule proposed by the **Miners' Health, Safety, and Training**, Rule Governing the Safety of Those Employed in and Around Surface Mines in West Virginia, [56 CSR 03](#).

With leave of the Committee, Danny Cook, Administrator for Miners' Health Safety, and Training, responded to questions from the Committee.

On motion of Senator Sypolt, the rule was moved to the foot of the agenda.

6. Robert Akers, House Counsel, reviewed his abstract on the rule proposed by the **Miners' Health, Safety, and Training**, Rule Governing First-Aid Training of Shaft and Slope Employees, [56 CSR 11](#).

On motion of Senator Sypolt, the rule was approved as filed.

7. Robert Akers, House Counsel, explained his abstract on the rule proposed by the **Miners' Health, Safety, and Training**, Substance Abuse Screening, Standards and Procedures, [56 CSR 19](#).

With leave of the Committee, Berry Koeber, Assistant Attorney General/Counsel for Miners' Health, Safety, and Training, responded to questions from the Committee.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

8. Debra Graham, Senate Counsel, reviewed her abstract on the rule proposed by the **Dangerous Wild Animal Board**, Dangerous Wild Animals, [74 CSR 01](#).

On motion of Senator Sypolt, the rule was approved as filed.

9. Debra Graham, Senate Counsel, explained her abstract on the rule proposed by the **Public Service Commission**, Telephone Conduit Occupancy, [150 CSR 37](#).

With leave of the Committee, Jessica Lane, General Counsel for Public Service Commission, responded to questions from the Committee.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

10. Debra Graham, Senate Counsel, reviewed her abstract on the rule proposed by the **Racing Commission**, Pari-Mutuel Wagering, [178 CSR 05](#).

On motion of Senator Sypolt, the rule was approved as filed.

11. Debra Graham, Senate Counsel, explained that the rule proposed by the **Family Protection Services**, Operation of the Family Protection Advisory Board, [191 CSR 01](#), was withdrawn by the agency.

12. Debra Graham, Senate Counsel, explained that the rule proposed by the **Family Protection Services**, Domestic Violence Program Licensure Standards, [191 CSR 02](#), was withdrawn by the agency.

13. Debra Graham, Senate Counsel, reviewed her abstract on the rule proposed by the **Division of Personnel**, Administrative Rule of the West Virginia Division of Personnel, [143 CSR 01](#).

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

14. Debra Graham, Senate Counsel, explained her abstract on the rule proposed by the **State Police**, Career Progression, [81 CSR 03](#).

With leave of the Committee, Major Shallon Oglesby, WV State Police, responded to questions from the Committee.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

15. Debra Graham, Senate Counsel, reviewed her abstract on the rule proposed by the **Division of Labor**, Child Labor Rule, [42 CSR 09](#), and responded to questions from the Committee.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

16. Debra Graham, Senate Counsel, explained her abstract on the rule proposed by the **Massage Therapy Board**, General Provisions, [194 CSR 01](#).

With leave of the Committee, Linda Lyter, Executive Director of the Massage Therapy Board, responded to questions from the Committee.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

Return to:

5. Robert Akers, House Counsel, reviewed the Agency agreed to changes on the rule proposed by the **Miners' Health, Safety, and Training**, Rule Governing the Safety of Those Employed in and Around Surface Mines in West Virginia, [56 CSR 03](#).

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

17. Max Wilkinson, House Counsel, explained his abstract on the rule proposed by the **Division of Natural Resources**, Commercial Whitewater Outfitters, [58 CSR 12](#).

On motion of Senator Sypolt, the rule was approved as filed.

18. Max Wilkinson, House Counsel, reviewed his abstract on the rule proposed by the **Division of Natural Resources**, Revocation of Hunting and Fishing Licenses, [58 CSR 23](#), and responded to questions from the Committee.

With leave of the Committee, D. W. Trader, Deputy Chief/Lt. Colonel with the Division of Natural Resources, responded to questions from the Committee.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

19. Max Wilkinson, House Counsel, explained his abstract on the rule proposed by the **Division of Natural Resources**, Boating Rule, [58 CSR 25](#).

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

20. Max Wilkinson, House Counsel, reviewed his abstract on the rule proposed by the **Division of Natural Resources**, Special Boating Rule, [58 CSR 26](#).

On motion of Senator Sypolt, the rule was approved as filed.

21. Max Wilkinson, House Counsel, explained his abstract on the rule proposed by the **Division of Natural Resources**, Special Motorboating Regulations, [58 CSR 27](#).

On motion of Senator Sypolt, the rule was approved as filed.

22. Max Wilkinson, House Counsel, reviewed his abstract on the rule proposed by the **Division of Natural Resources**, Wildlife Education Facilities, [58 CSR 30](#), and responded to questions from the Committee.

On motion of Senator Sypolt, agenda items 22 through 29 were moved to the foot of the August 20, 2021, agenda.

With no further business to come before the committee, Senator Sypolt moved to adjourn. The motion was adopted.